

FORM PTO-1390  
(REV 5-93)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
108172-00071

DATE: June 7, 2001

U.S. APPLN. NO.  
(IF KNOWN, SEE 37 C.F.R. 1.55)  
**097856470**

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.  
PCT/US99/27919

INTERNATIONAL FILING DATE  
December 8, 1999

PRIORITY DATE CLAIMED  
December 8, 1998

TITLE OF INVENTION: GENETIC MARKERS WHICH IDENTIFY INDIVIDUALS WHO IMPROVE THEIR CHOLESTEROL LEVELS AND DIABETES STATUS WITH EXERCISE

APPLICANT(S) FOR DO/EO/US: James M. HAGBERG; Robert E. FERRELL; Alan SHULDINER


1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.  
(THE BASIC FILING FEE IS ATTACHED)
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper demand for International Preliminary Amendment was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English [35 U.S.C. 371(c)(2)].
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☐ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 16 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Copies of: PCT/PEA/402; PCT/PEA/416; PCT/IB/306; Request for Change under PCT Rule 92<sup>bis</sup>; Response to Invitation to Correct Defects in the Demand; Demand for International Preliminary Examination; Demand; PCT/IB/308; PCT/IB/318; PCT/IB/304; Response to Invitation to Correct Defects; Response to Invitation to Correct Priority Claim; PCT/IB/316; Response to Invitation to Correct Defects; PCT/IB/304; published International Application No. PCT/US99/27919

CHECK NO. 318923

| U.S. APPL. NO. (IF KNOWN)<br>SEE 37 C.F.R. <b>09/856470</b>  | INTERNATIONAL APPLICATION<br>NO. PCT/US99/27919 | ATTORNEY DOCKET NO. 108172-00071<br><br>DATE: June 7, 2001   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
|--|---|--|--------------|--------------|--|--------------|----------|---|------------|------|--------------------|---------|---|------------|--------|---|--|--|------------|------|--------------------------------------|--|--|--|--------|--|--|
| 17. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>Basic National Fee [37 C.F.R. 1.492(a)(1)-(5)]:</b><br>Search Report has been prepared by the EPO or JPO.....\$860.00<br>International preliminary examination fee paid to USPTO<br>(37 C.F.R. 1.482).....\$690.00<br>No international preliminary examination fee paid to USPTO<br>(37 C.F.R. 1.482) but international search fee paid to USPTO<br>[37 C.F.R. 1.445(a)(2)].....\$710.00<br>Neither international preliminary examination fee<br>(37 C.F.R. 1.482) or international search fee<br>[37 C.F.R. 1.445(a)(2)] paid to USPTO.....\$1,000.00<br>International preliminary examination fee paid to USPTO<br>(37 C.F.R. 1.482) and all claims satisfied provisions of<br>PCT Article 33(2)-(4).....\$ 100.00   |   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> <tr> <td colspan="2"> </td> </tr> </table> | CALCULATIONS | PTO USE ONLY |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| CALCULATIONS   | PTO USE ONLY                                    |  |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
|  |   |  |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>  |   | \$ 690.00  |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].   |   | \$   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Claims</th> <th style="width: 20%;">Number Filed</th> <th style="width: 20%;">Number Extra</th> <th style="width: 20%;">Rate</th> <th style="width: 20%;"> </th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>5 - 20 =</td> <td>0</td> <td>X \$ 18.00</td> <td>\$ 0</td> </tr> <tr> <td>Independent Claims</td> <td>5 - 3 =</td> <td>2</td> <td>X \$ 80.00</td> <td>\$ 160</td> </tr> <tr> <td colspan="3">Multiple dependent claim(s) (if applicable)</td> <td>+ \$270.00</td> <td>\$ 0</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 850</td> </tr> </tbody> </table>  | Claims  | Number Filed   | Number Extra | Rate         |  | Total Claims | 5 - 20 = | 0 | X \$ 18.00 | \$ 0 | Independent Claims | 5 - 3 = | 2 | X \$ 80.00 | \$ 160 | Multiple dependent claim(s) (if applicable) |  |  | + \$270.00 | \$ 0 | <b>TOTAL OF ABOVE CALCULATIONS =</b> |  |  |  | \$ 850 | Reduction by one-half for filing by small entity, if applicable.<br>Verified Small Entity statement must also be filed.<br>(Note 37 C.F.R. 1.9, 1.27, 1.28). |  |
| Claims   | Number Filed                                    | Number Extra   | Rate         |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| Total Claims   | 5 - 20 =  | 0  | X \$ 18.00   | \$ 0         |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| Independent Claims   | 5 - 3 =   | 2  | X \$ 80.00   | \$ 160       |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| Multiple dependent claim(s) (if applicable)  |   |  | + \$270.00   | \$ 0         |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |   |  |              | \$ 850       |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| <b>SUBTOTAL =</b>  |   | \$ 850   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].   |   | \$   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| <b>TOTAL NATIONAL FEE =</b>  |   | \$ 850   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property   |   | \$   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| <b>TOTAL FEES ENCLOSED =</b>   |   | \$ 850   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
|  |   | Amount to be refunded \$   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
|  |   | Charged \$   |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |
| a. <input checked="" type="checkbox"/> A check in the amount of \$850 to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. 01-2300 in the amount of \$ to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2300.<br>NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.<br><br>SEND ALL CORRESPONDENCE TO:<br>Arant Fox Kintner Plotkin & Kahn<br>1050 Connecticut Avenue, N.W., Suite 600<br>Suite 600<br>Washington, D.C. 20036-5339<br>Tel: (202) 857-6000 Fax: (202) 638-4810 |   |  |              |              |  |              |          |   |            |      |                    |         |   |            |        |   |  |  |            |      |                                      |  |  |  |        |  |  |

  
 Richard J. Bernard  
 Reg. No. 39,177

#27467v1 &lt;TECH&gt;

patent application serial no.

**09/856470**

*Department of Commerce  
Patent and Trademark Office  
for record*

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06/11/2001 NGUYEN 00000170 09856470

01 FC:956 690.00 DP  
~~02 FC:964 160.00 DP~~

Adjustment dates 10/02/2001 LIAOYANG

06/11/2001 NGUYEN 00000170 09856470

~~02 FC:964 160.00 DP~~

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01 FC:964 690.00 DP

Rept. Ref: 10/02/2001 LIAOYANG 00000170

FC:91200 Name/Number:09856470

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